REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 9, 11, 12, 14-16, 20 and 28 have been amended. No claims have been canceled or added in this amendment. No new matter has been added.

Oath/Declaration

The Office Action states (as stated in the previous Office Action) that the signature of Shmuel Melamed is missing from the declaration. However, Applicants have already explained, in their response filed on January 2, 2004, that a petition was filed under 37 C.F.R. § 1.47 on June 14, 2001 and was granted, per decision of the Office mailed on August 13, 2001.

Section 112 Rejections

Claims 2, 5, 9, 10, 13, 14, 19 and 22 stand rejected under 35 U.S.C. § 112, first paragraph, as "failing to comply with the enablement requirement." Office Action, p. 3. In a telephone call between the Examiner and Applicants' representative (the undersigned) on May 11, 2004, the Examiner stated that this rejection was intended to be under 35 U.S.C. § 112, second paragraph, not first paragraph. Regardless, assuming *arguendo* that the rejection was intended to be under 35 U.S.C. § 112, first paragraph, Applicant respectfully submits that all of the claim limitations identified by the Examiner in this rejection are fully supported by the original description and drawings, as filed, such that the rejection is improper.

If, however, the rejection was in fact intended to be under 35 U.S.C. § 112, <u>second</u> paragraph, as the Examiner indicated in the above-noted telephone call, then the rejections are also improper as to each rejected claim, as will now be explained.

Regarding claim 2, the Examiner contends that there is "insufficient antecedent basis" for the limitation "the method further comprises allocating storage at the client device for the second archive based on size information in the end-of-central-directory record." This rejection is not understood. If the Examiner is referring to the quoted phrase in its entirety, then the phrase does not require any antecedent basis, since it is the first occurrence of this entire phrase in the claims. If, on the other hand, the Examiner is only referring to the phrase "the method", then note that this phrase has clear antecedent basis in the phrase "A method" in claim 1. If the Examiner is referring to some other term or portion of the above-quoted limitation, then the Examiner should clarify which term or portion that is in the next Office Action (if any), or withdraw the rejection. Absent such clarification, Applicants respectfully submit that the above-quoted phrase clearly has whatever antecedent basis may be required (if any), such that the rejection is improper and should be withdrawn

Also, regarding claim 2, the Examiner contends that there is "insufficient antecedent basis" for the limitation "a first one of the streamed modules comprises a ZIP file end-of-central-directory record." Here also, the rejection is not understood. If the Examiner is referring to the quoted phrase in its entirety, then the phrase does not require any antecedent basis, since it is the first occurrence of this limitation in the claims. If the Examiner is referring only to a particular term in the above-quoted

limitation, then the Examiner should clarify which term that is in the next Office Action (if any) or withdraw the rejection. Absent such clarification, Applicants respectfully submit that the above-quoted phrase clearly has whatever antecedent basis that may be required (if any), such that the rejection is improper and should be withdrawn

The rejections of claims 5, 9, 10, 13, 14, and 19 under 35 U.S.C. § 112, second paragraph, are also deficient (unclear) in the same ways as identified above regarding claim 2. Therefore, Applicants respectfully submit that the rejections of those claims are improper for similar reasons.

Nonetheless, Applicants have made clarifying amendments to claims 9, 12, 14-16. These amendments are made only to place the claims in what Applicants consider to be better form; the amendments are not made in response to the rejections, as no such amendments are believed to be necessary.

For the above reasons, Applicants respectfully submit that all of the rejections under 35 U.S.C. § 112 have been overcome.

Prior Art Rejections

Claims 1, 11, 12, 20, 24 and 27 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent no. 6,427,149 of Rodriguez et al. ("Rodriguez") in view of Distributed Systems Concepts and Design Coulouris et al. ("Coulouris"). The remaining claims stand rejected based on various alleged combinations of Rodriguez and Coulouris and other cited references. Applicants respectfully traverse the rejections.

Applicants would like to thank the Examiner for showing courtesy during the telephonic interview between the Examiner and Applicants' representative (the undersigned) on June 22, 2004. During that interview, the Rodriguez, Coulouris and White references were discussed in relation to Applicants' claims. Agreement was not reached.

In the Office Action, the Examiner admits that Rodriguez does not teach "streaming" (Office Action, p. 7). Applicant agrees with that admission. Rodriguez has absolutely nothing to do with streaming. However, the Examiner contends that Coulouris teaches streaming as recited in Applicants claims. The Examiner is mistaken in that regard.

Coulouris does use the term "stream" and/or variations of that word (e.g., Coulouris, p. 100, referring to a TCP "stream"). However, Coulouris uses the word "stream" in a completely different sense than how the term "streaming" is used in the present application. In technology, as in other fields, the same term can have multiple, completely different meanings, depending on the context. See, for example, the multiple definitions of the term "streaming" in Microsoft Computer Dictionary, Fourth ed., Microsoft Press, Redmond, Washington (1999) (copy enclosed).

In general, the term "streaming" in the present application refers to a technique in which information is presented on or used by a client computer as it is being received from a server. "For example, [a]udio and video streaming allows the client to present

information without waiting for the entire stream to arrive at the client application."

See Applicants' specification, p. 2, lines 17-25. As used in the claims of the present

application, the term "streaming" refers to the ability of a module to be <u>executed</u> on the

client system <u>while other related modules are still being downloaded</u> to the client

system. Each of Applicants' independent claims has been amended to clarify this

meaning, although Applicants believe such amendment is unnecessary if the claims are

properly interpreted in light of the specification. For example, claim 1, as currently

amended, recites:

> 1. (Currently amended) A method of streaming an archive file from a
> server to a client device, the method comprising:
> at a server, extracting a plurality of modules from a first archive
> file, **the plurality of modules including two or more executable modules**
> **associated with a software application;**
> streaming the extracted modules from the server to the client
> device, **said streaming characterized in that at least one of the executable**
> **modules is available for execution by the software application on the**
> **client device before all others of the executable modules have been**
> **downloaded to the client device;**
> receiving the streamed modules at the client device;
> automatically constructing a second archive file at the client device,
> the second archive file comprising the received modules; and
> providing data from at least one of the received modules in the
> second archive to an executing application.

Coulouris neither discloses nor suggest "streaming" in this sense of the word,

Note, for example, that the use of a <u>TCP</u> "stream", discussed in Coulouris at p. 100,

would <u>not</u> allow a file to be opened or used <u>before it is fully downloaded</u>, in contrast

with the present invention.

Furthermore, the present invention is not obvious based on any combination of the cited references, since there is <u>no suggestion or motivation</u> whatsoever in the references to combine their teachings in the specific manner recited in Applicants' claims. To establish a prima facie case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. In re Vaeck, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991); MPEP § 706.02(j) (emphasis added).

Furthermore, to sustain a rejection for obviousness, it is not sufficient that the cited references individually show different elements of the claimed invention; the claimed subject matter as a whole must be obvious to sustain a rejection. 35 U.S.C. § 103(a). Therefore, even if the Examiner were to cite a reference which discloses, for example, audio streaming or video streaming (as described in Applicants' "Background of the Invention") or even application streaming, the present invention still would not be obvious in view of such reference(s). More specifically, it would not be obvious to stream an archive file from a server to a client, where the archive file includes <u>executable modules</u> of a software application, and where this process includes <u>constructing another archive file at the client</u> from the streamed modules.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.
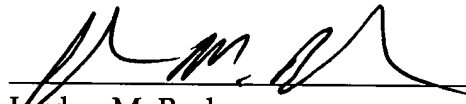
Conclusion

For the foregoing reasons, the present application is believed to be in condition

for allowance, and such action is earnestly requested.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: 6/29 , 2004

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